

***BLANK PAGE***

**FILE COPY**

Office - Supreme Court, U.S.

**FILED**

**JUL 29 1940**

**CHARLES ELMOORE CROPLEY**  
**CLERK**

**No. 287**

---

---

**Supreme Court of the United States**

**OCTOBER TERM, 1940**

---

**EARL RUSSELL BROWDER**

*Petitioner*

*against*

**UNITED STATES OF AMERICA**

---

---

**APPENDIX AND SUPPLEMENT TO BRIEF  
FOR PETITIONER**

---

---



## I

### APPENDIX

#### CONGRESS

*page*

Act of March 2, 1907, § 1 .....	1
Act of June 15, 1917, title IX; 22 U. S. C. A. §§ 213, 220-222 .....	2
Act of May 22, 1918; 22 U. S. C. A. §§ 223-226 .....	5
Act of November 10, 1919 .....	8
Act of June 4, 1920 .....	11
Act of March 2, 1921; 22 U. S. C. A. § 227 .....	13
Act of July 3, 1926; 22 U. S. C. A. §§ 211a, 214a .....	14
Act of May 16, 1932; 22 U. S. C. A. § 217a .....	16

#### PRESIDENT

Rules governing the granting and issuing of passports in the United States, issued January 24, 1917 .....	17
issued March 31, 1938 .....	18

#### DEPARTMENT OF STATE

Circular instruction of November 18, 1911 .....	19
Rules governing the granting and issuing of pass- ports to those who have declared their intention to become citizens of the United States, issued June 1, 1915 .....	20
Circular instruction of March 26, 1923 .....	21
Press release, and passport regulations of Sept. 4, 1939 .....	23

## II

### SUPPLEMENT

Supplement .....	27
------------------	----

***BLANK PAGE***



## APPENDIX TO BRIEF FOR PETITIONER.

### I. CONGRESS

[PUBLIC—No. 193—59TH CONGRESS]

AN ACT In reference to the expatriation of citizens  
and their protection abroad.

[Act of March 2, 1907 (34 Stat. L., 1228).]

SECTION 1. That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention.

• • • • •

[Repealed by §5 of the Act of June 4, 1920, *post.*]

[PUBLIC—No. 24—65TH CONGRESS.]

[Extract.]

[H. R. 291.]

AN ACT To punish acts of interference with the foreign relations, the neutrality, and the foreign commerce of the United States, to punish espionage, and better to enforce the criminal laws of the United States, and for other purposes.

## TITLE IX

### PASSPORTS

#### Application requirements.

SECTION 1. Before a passport is issued to any person by or under authority of the United States such person shall subscribe to and submit a written application duly verified by his oath before a person authorized and empowered to administer oaths, which said application shall contain a true recital of each and every matter of fact which may be required by law or by any rules authorized by law to be stated as a prerequisite to the issuance of any such passport. Clerks of United States courts, agents of the Department of State, or other Federal officials authorized, or who may be authorized, to take passport applications and administer oaths thereon, shall collect, for all services in connection therewith, a fee of \$1, and no more, in lieu of all fees prescribed by any statute of the United States, whether the application is executed singly, in duplicate, or in triplicate.

#### Fee limited.

SEC. 2. Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years or both.

Punishment for false statements in applications.

Using, passports so obtained.

SEC. 3. Whoever shall willfully and knowingly use, or attempt to use, any passport issued or designed for the use of another than himself, or whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; or whoever shall willfully and knowingly furnish, dispose of, or deliver a passport to any person, for use by another than the person for whose use it was originally issued and designed, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Illegally using passport of another.

Violating restrictions.

Delivery to unauthorized person.

SEC. 4. Whoever shall falsely make, forge, counterfeit, mutilate, or alter, or cause or procure to be falsely made,

Punishment for counterfeiting, forging, etc., passports.



Using forged,  
etc., passports.

.Void passports.

forged, counterfeited, mutilated, or altered any passport or instrument purporting to be a passport, with intent to use the same, or with intent that the same may be used by another; or whoever shall willfully or knowingly use, or attempt to use, or furnish to another for use any such false, forged, counterfeited, mutilated, or altered passport or instrument purporting to be a passport, or any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same, shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

Approved, June 15, 1917.

[22 U. S. C. A. §§213, 220-222. Title 22 of the U. S. C. A. is entitled: Foreign Relations and Intercourse.]

[PUBLIC—No. 154—65TH CONGRESS.]

[H. R. 10264.]

AN ACT To prevent in time of war departure from or entry into the United States contrary to the public safety.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That* when the United States is at war, if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the departure of persons from and their entry into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

Foreign travel.

Acts of, made unlawful during time of war.

(a) For any alien to depart from or enter or attempt to depart from or enter the United States except under such reasonable rules, regulations, and orders, and subject to such limitations and exceptions as the President shall prescribe;

Aliens violating prescribed rules.

(b) for any person to transport or attempt to transport from or into the United States another person with knowledge or reasonable cause to believe that the departure or entry of such other person is forbidden by this act;

Transporting prohibited persons.

(c) For any person knowingly to make any false statement in an application for permission to depart from or enter the

Making false application for permits.

United States with intent to induce or secure the granting of such permission either for himself or for another;

**Furnishing false permits, etc.**

(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a permit or evidence of permission to depart or enter not issued and designed for such other person's use;

**Using permit of another person.**

(e) For any person knowingly to use or attempt to use any permit or evidence of permission to depart or enter not issued and designed for his use;

**Forging, etc., permits.**

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any permit or evidence of permission to depart from or enter the United States;

**Using false, etc., permits.**

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered permit, or evidence of permission, or any permit or evidence of permission which, though originally valid, has become or been made void or invalid.

**Passports required for all entries and departures of citizens.**

SEC. 2. That after such proclamation as is provided for by the preceding section has been made and published and while said proclamation is in force, it shall, except as otherwise provided by the President, and subject to such limitations and exceptions as the President may authorize

and prescribe, be unlawful for any citizen of the United States to depart from or enter or attempt to depart from or enter the United States unless he bears a valid passport.

SEC. 3. That any person who shall willfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$10,000, or, if a natural person, imprisoned for not more than twenty years, or both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

Punishment  
for violation.

Forfeiture  
of vehicle,  
vessel, etc.

SEC. 4. That the term "United States" as used in this Act includes the Canal Zone and all territory and waters, continental or insular, subject to the jurisdiction of the United States.

Meaning  
of terms:

"United  
States."

The word "person" as used herein shall be deemed to mean any individual, partnership, association, company, or other unincorporated body of individuals, or corporation, or body politic.

"Person."

Approved, May 22, 1918.

[PUBLIC—No. 79—66TH CONGRESS.]

[H. R. 9782.]

AN ACT To regulate further the entry  
of aliens into the United States.

Entry of aliens.

Restrictions  
imposed on.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That if the President shall find that the public safety requires that restrictions and prohibitions in addition to those provided otherwise than by this Act be imposed upon the entry of aliens into the United States, and shall make public proclamation thereof, it shall, until otherwise ordered by the President or Congress, be unlawful—

Aliens violating  
prescribed rules.

(a) For any alien to enter or attempt to enter the United States except under such reasonable rules, regulations, and orders, and subject to such passport, visé, or other limitations and exceptions as the President shall prescribe;

Transporting  
prohibited  
persons.

(b) For any person to transport or attempt to transport into the United States another person with knowledge or reasonable cause to believe that the entry of such other person is forbidden by this Act;

Making false  
applications for  
passports, etc.

(c) For any person knowingly to make any false statement in an application for a passport or other permission to enter the United States with intent to induce or secure the granting of such permission, either for himself or for another;



(d) For any person knowingly to furnish or attempt to furnish or assist in furnishing to another a viséed passport or other permit or evidence of permission to enter, not issued and designed for such other person's use;

Furnishing  
viséed passport  
of another  
person.

(e) For any person knowingly to use or attempt to use any viséed passport or other permit or evidence of permission to enter not issued and designed for his use;

Using viséed  
passport of  
another.

(f) For any person to forge, counterfeit, mutilate, or alter, or cause or procure to be forged, counterfeited, mutilated, or altered, any passport, visé or other permit or evidence of permission to enter the United States;

Forging, etc.,  
passports.

(g) For any person knowingly to use or attempt to use or furnish to another for use any false, forged, counterfeited, mutilated, or altered passport, permit, or evidence of permission, or any passport, permit, or evidence of permission which, though originally valid, has become or been made void or invalid.

Using false,  
etc., passports.

SEC. 2. That any person who shall willfully violate any of the provisions of this Act, or of any order or proclamation of the President promulgated, or of any permit, rule, or regulation issued thereunder, shall, upon conviction, be fined not more than \$5,000, or, if a natural person, imprisoned for not more than five years, or

Punishment  
for violations.

Corporation  
official  
participating  
therein.

Forfeiture  
of vehicle,  
vessel, etc.

Effective on  
termination of  
previous act.

Duration.

both; and the officer, director, or agent of any corporation who knowingly participates in such violation shall be punished by like fine or imprisonment, or both; and any vehicle or any vessel, together with its or her appurtenances, equipment, tackle, apparel, and furniture, concerned in any such violation, shall be forfeited to the United States.

\* \* \* \* \*

SEC. 5. That this Act shall take effect upon the date when the provisions of the Act of Congress approved the 22d day of May, 1918, entitled "An Act to prevent in time of war departure from and entry into the United States, contrary to the public safety," shall cease to be operative, and shall continue in force and effect until and including the 4th day of March, 1921.

Received by the President, October 29, 1919.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

[This Act never became operative]

[PUBLIC—No. 238—66TH CONGRESS.]

[Extract.]

[H. R. 11960.]

AN ACT Making appropriations for the  
Diplomatic and Consular Service for  
the fiscal year ending June 30, 1921.

FEES FOR PASSPORTS AND VISÉS.

SECTION 1. From and after the 1st day of July, 1920, there shall be collected and paid into the Treasury of the United States quarterly a fee of \$1 for executing each application for a passport and \$9 for each passport issued to a citizen or person owing allegiance to or entitled to the protection of the United States: *Provided*, That nothing herein contained shall be construed to limit the right of the Secretary of State by regulation to authorize the retention by State officials of the fee of \$1 for executing an application for a passport: \* \* \*

Fees established  
for application  
and issue of.

Provisos.

Retention of fee  
by State officials.

SEC. 3. The validity of a passport or visé shall be limited to two years, unless the Secretary of State shall by regulation limit the validity of such passport or visé to a shorter period.

Validity limited.

SEC. 4. Whenever the appropriate officer within the United States of any foreign country refuses to visé a passport issued by the United States, the Department of State is hereby authorized upon request

Return of  
passport fee if  
visé refused by  
foreign officer.

in writing and the return of the unused passport within six months from the date of issue to refund to the person to whom the passport was issued the fees which have been paid to Federal officials, and the money for that purpose is hereby appropriated and directed to be paid upon the order of the Secretary of State.

Authority to  
issue passports  
to persons not  
citizens repealed.  
Vol. 34, p. 1228,  
repealed.

SEC. 5. Section 1 of the Act approved March 2, 1907, entitled "An Act in reference to the expatriation of citizens and their protection abroad" (Thirty-fourth Statutes at Large, part 1, page 1228), authorizing the Secretary of State to issue passports to certain persons not citizens of the United States is hereby repealed.

Approved, June 4, 1920.

[Sec. 3 of this Act was repealed by §4 of  
Act of July 3, 1926. *post*]

[PUBLIC—No. 357—66TH CONGRESS]

[Extract.]

[H. R. 15872.]

AN ACT Making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1922.

EXPENSES, PASSPORT CONTROL ACT.

For expenses of regulating entry into the United States, in accordance with the provisions of the Act approved May 22, 1918, and of this Act, to be immediately available, \$600,000: *Provided*, That the provisions of the Act approved May 22, 1918, shall, in so far as they relate to requiring passports and visés from aliens seeking to come to the United States, continue in force and effect until otherwise provided by law.

Approved, March 2, 1921.

[22 U. S. C. A. §227]



[PUBLIC—No. 493—69TH CONGRESS]

[H. R. 12495]

AN ACT To regulate the issue and validity of passports, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by diplomatic representatives of the United States, and by such consul generals, consuls, or vice consuls when in charge, as the Secretary of State may designate, and by the chief or other executive officer of the insular possessions of the United States, under such rules as the President shall designate and prescribe for and on behalf of the United States, and no other person shall grant, issue, or verify such passports.

SEC. 2. That the validity of a passport or visa shall be limited to a period of two years: *Provided*, That the Secretary of State may limit the validity of a passport or visa to a shorter period and that no immigration visa shall be issued for a longer period than that specified in the Immigration Act of 1924 or amendments thereto: *And provided further*, That a passport may be renewed without any additional charge under regulations prescribed by the Secretary of State, and at his discretion to bona fide teachers, but the final date of expiration shall not be more than four years from the original date of issue.

SEC. 3. That whenever a fee is erroneously charged and paid for the issue of a passport to a person who is exempted from the payment of such a fee by section 1 of "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," approved June 4, 1920 (Forty-first Statutes, page 750), the

Department of State is hereby authorized to refund to the person who paid such fee the amount thereof, and the money for that purpose is hereby authorized to be appropriated.

SEC. 4. That section 4075 of the Revised Statutes of the United States as amended by the Act of June 14, 1902 (Thirty-second Statutes, page 386), and section 3 of "An Act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1921," approved June 4, 1920 (Forty-first Statutes, page 750), except as hereinbefore provided are hereby repealed.

Approved, July 3, 1926.

[22 U. S. C. A. §§211a, 214a.]

[PUBLIC—No. 136—72D CONGRESS]

[H. R. 9393]

AN ACT To increase passport fees, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 2 of the Act entitled "An Act to regulate the issue and validity of passports, and for other purposes," approved July 3, 1926, as amended by the Act entitled "An Act to provide for the renewal of passports," approved July 1, 1930, is amended to read as follows:

"SEC. 2. That the validity of a passport or passport visa shall be limited to a period of two years, *Provided*, That a passport may be renewed under regulations prescribed by the Secretary of State for a period, not to exceed two years, upon payment of a fee of \$5 for such renewal, but the final date of expiration shall not be more than four years from the original date of issue: *Provided further*, That the Secretary of State may limit the validity of a passport, passport visa, or the period of renewal of a passport to less than two years: *Provided further*, That the charge for the issue of an original passport shall be \$9."

Approved, May 16, 1932.

[22 U. S. C. A. §217a]

## II. PRESIDENT.

### *Rules Governing the Granting and Issuing of Passports in the United States*

ISSUED JANUARY 24, 1917

• • • • •

Passports issued by the Department of State or its diplomatic or consular representatives are intended for identification and protection in foreign countries, and not to facilitate entry into the United States, immigration being under the supervision of the Department of Labor.\*

• • • • •

WOODROW WILSON.

THE WHITE HOUSE,  
24 January, 1917.

---

\*This provision is likewise contained in the Presidential rules of:

June 7, 1911, rule 4, par. 3;  
Nov. 13, 1914, rule 4, par. 3;  
Jan. 12, 1915, rule 5, par. 3;  
Dec. 17, 1915, rule 6, par. 2;  
Apr. 17, 1916, rule 6, par. 2.

*Rules Governing the Granting and Issuing of Passports  
in the United States*

ISSUED MARCH 31, 1938

124. The Secretary of State is authorized in his discretion to refuse to issue a passport, to restrict a passport for use only in certain countries, to restrict it against use in certain countries, to withdraw or cancel a passport already issued, and to withdraw a passport for the purpose of restricting its validity or use in certain countries.

125. Should a person to whom a passport has been issued knowingly use or attempt to use it in violation of the conditions or restrictions contained therein or of the provisions of these rules, the protection of the United States may be withdrawn from him while he continues to reside abroad.

FRANKLIN D. ROOSEVELT

THE WHITE HOUSE,  
March 31, 1938.

[3 F. R. 681]



### III. DEPARTMENT OF STATE

[No. 77. General instruction. Consular]

#### EXPATRIATION

RULE (D) UNDER WHICH THE PRESUMPTION ARISING UNDER SECTION 2 OF THE ACT OF MARCH 2, 1907, MAY BE OVERCOME

*The Secretary of State to the American diplomatic and consular officers (including consular agents)*

DEPARTMENT OF STATE,  
Washington, November 18, 1911.

Gentlemen: In view of the decision of the Attorney General communicated to you in the circular instruction of December 22, 1910, entitled "Expatriation," the following rule (d) is adopted as supplementary to rules (a), (b), and (c) prescribed in circular instruction of April 19, 1907, whereunder the presumption of expatriation arising against a naturalized citizen under the provision of the second paragraph of section 2 of the act of March 2, 1907, may be overcome, namely, by his presenting to a diplomatic or consular officer proof establishing the following fact:

(d) That he has made definite arrangements to return immediately to the United States for permanent residence.

Under the circumstances mentioned a passport may be issued to the person concerned by a diplomatic officer or consular officer authorized to issue emergency passports, if he needs it to enable him to leave the country in which he has been residing or to pass on his way to the United States through a country in which passports are required. A passport should not be issued merely to facilitate entry into the United States.

I am, etc.,

P. C. KNOX.

*Rules of June 1, 1915, governing the granting and issuing  
of passports to those who have declared their intention  
to become citizens of the United States*

1. The first section of the act approved March 2, 1907, "in reference to the expatriation of citizens and their protection abroad," provides "That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years, a passport may be issued to him entitling him to the protection of this Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention."<sup>\*</sup>

A passport may be granted to a declarant under the statutory provision quoted above for purposes of identification, and protection in foreign countries, other than his country of origin, but not for the purpose of facilitating reentry into this country. All matters relating to immigration being under the supervision of the Department of Labor, any inquiries concerning the right to reenter the United States should be addressed to that Department.

W. J. BRYAN.

DEPARTMENT OF STATE,  
Washington, June 1, 1915.

[For. Rels., 1915 Supp., pp. 906-8]

<sup>\*</sup>[Repealed by § 5 of Act of June 4, 1920, *supra*.]

[No. 885. General instruction. Consular. (Diplomatic  
Serial No. 187)]

CANCELLATION OF EXPIRED AMERICAN PASSPORTS

DEPARTMENT OF STATE,  
Washington, March 26, 1923.

*To the American Diplomatic and Consular Officers.*

Gentlemen: The second page of American passports bears the following notice:

This passport is valid for a period of twelve months and expires \_\_\_\_\_ unless previously extended. It is subject to one or more extensions, provided the final date of expiration is not later than two years after the date of its issuance.

Section 4, Title IX of the espionage act states that—

\* \* \* whoever shall "willfully or knowingly use or attempt to use \* \* \* any passport validly issued which has become void by the occurrence of any condition therein prescribed invalidating the same shall be fined not more than \$2,000 or imprisoned not more than five years, or both.

It is known that many naturalized American citizens, especially those of European origin, continue to use American passports long after the expiration of their maximum period of validity. A still more serious offense is the continued use of passports which have been specifically limited as to validity. For example, the department occasionally limits a passport because of conditions peculiar to the case, or on the sworn statement of the applicant that he will return to the United States within the designated period. In cases of that class, the department intends that the pro-

tection of this Government should not be extended to holders of the passports after the determination of the validity, unless such validity is extended by the department to some future date.

I am, gentlemen,

Your obedient servant,

For Secretary of State:

ALVEY A. ADE

[Compilation, pp. 113-114]



*Press release, and departmental passport regulations  
promulgated after outbreak of European War of  
1939.*

In view of the exigencies of the present situation in Europe, particularly the danger of travel to and from Europe, the hazards which may be encountered in residing in belligerent countries, and the shortage of steamship facilities to transport the many thousands of American citizens now in Europe who have been urged to return to the United States, the Secretary of State has deemed it advisable to prescribe regulations under which no passport which has heretofore been issued shall be valid for use in traveling from the United States to any country in Europe unless it is submitted to the Department for validation for such use. Under the new regulations, before the Department of State will validate any passport heretofore issued or issue any new passports for use in Europe, it will be required that documentary evidence be submitted to it showing the imperative necessity for traveling to Europe. It is contemplated by the new regulations to restrict the use of passports only to those who can show an imperative necessity for traveling in Europe and at the same time to take every possible precaution to assure the importance of American passports as definitely identifying and establishing the citizenship of the person to whom they are issued. Extraordinary care will thus be taken in this regard and consequently persons desiring to have passports already issued to them validated for future use in Europe and persons desiring to obtain new passports for use therein are urged to submit their applications at least three weeks in advance of their expected sailing.

In order to assure strict compliance with the new regulations, passports of American citizens intending to depart for Europe will be carefully examined to see that they have been validated for use in Europe. Upon the return of American citizens their passports will be taken up and returned to the Department of State for safe keeping and to assure that they will not again be used except in accordance with the new regulations.



The Passport Agencies in New York, Boston, Chicago and San Francisco are being advised of the new regulations and for the convenience of the officers in the various foreign consulates situated in the cities mentioned they are being instructed to furnish each such officer with a copy of the new regulations requiring the validation by the Department of passports heretofore issued in order that they may hereafter be used in traveling to Europe. The new regulations are as follows:

#### DEPARTMENTAL ORDER

No. 811

By virtue of and pursuant to the authority vested in me by Section I of the Act of July 3, 1926, 44 Stat. 887 (U. S. C., Title 22, Section 211a), and by Executive Order No. 7856 of March 31, 1938, prescribing rules governing the granting and issuing of passports in the United States, I, the undersigned, Secretary of State of the United States, hereby prescribe the following regulations:

No passport heretofore issued shall be valid for use in traveling from the United States to any country in Europe unless it is submitted to the Department of State for validation.

Before the Department of State will validate any passport heretofore issued for use in any country in Europe, it will be necessary for the person to whom the passport was issued to submit documentary evidence concerning the imperativeness of his proposed travel. A person who desires travel in Europe for commercial purposes must support his application for the validation of his passport or for the issue of a passport with a letter from the head of the firm in the interests of which he intends to go to Europe. Such letter must state not only the names of the European countries which the applicant expects to visit and the objects of his visits thereto, but in addition, whether or not the applicant is a salaried employee of the firm concerned; and if so, how long he has been known to the

firm and for what period of time he has been in its employ. If the applicant is going to Europe on a commission and not a salary basis, that fact also should be specifically stated. If the applicant for a passport is himself the head of the concern for which he is going to Europe, he must submit a letter from another officer of the concern or a letter from the head of some other reputable concern who has had business transactions with the applicant and has knowledge of the business in which the applicant is engaged and the object and necessity of his proposed trip to Europe.

An applicant who is going to Europe for any purpose other than commercial business must satisfy the Department of State that it is imperative that he go, and he must submit satisfactory documentary evidence substantiating his statement concerning the imperativeness of his proposed trip.

In view of the exigencies of the present situation and the consequent necessity of exercising the greatest care in the validation of passports or the issue of new passports, the Department of State will be obliged to hold applicants and firms responsible for any false or misleading statements made by them in connection with applications for passports, and any such false or misleading statements would be in violation of Section 220 of Title 22 of the U. S. Code, which reads as follows:

"Whoever shall willfully and knowingly make any false statement in an application for passport with intent to induce or secure the issuance of a passport under the authority of the United States, either for his own use or the use of another, contrary to the laws regulating the issuance of passports or the rules prescribed pursuant to such laws, or whoever shall willfully and knowingly use or attempt to use, or furnish to another for use, any passport the issue of which was secured in any way by reason of any false statement, shall be fined not more than \$2,000 or imprisoned not more than five years or both."

Women and children will not be included in passports issued to their husbands or fathers unless the urgent and imperative necessity of accompanying them is conclusively established.

Passports will not, as a rule, be validated or issued for travel in opposing belligerent countries.

Should a person now having a valid passport proceed to any European country without first having submitted his passport to the Department of State for validation, the protection of the United States may be withheld from him while he is abroad.

Should a person to whom a passport has been issued use it in violation of the conditions or restrictions contained therein, the protection of the United States may likewise be withheld from him while he is abroad and he will be liable for prosecution under the provisions of Section 221 of Title 22 of the U. S. Code, which reads in part as follows:

“ \* \* \* whoever shall willfully and knowingly use or attempt to use any passport in violation of the conditions or restrictions therein contained, or of the rules prescribed pursuant to the laws regulating the issuance of passports, which said rules shall be printed on the passport; \* \* \* shall be fined not more than \$2,000 or imprisoned not more than five years, or both.”

Hereafter when a passport is validated for or issued for use in Europe, its validity shall be restricted to the period necessary to accomplish the purpose of the intended visit to Europe but in no case beyond a period of six months.

Passports in possession of persons now residing abroad shall in due course be submitted to American consular officers for appropriate endorsement under special instructions to be sent to such officers at a later date.

CORDELL HULL

DEPARTMENT OF STATE,  
September 4, 1939.

## Supplement

### PASSPORT CONTROL 1914-1917

#### *Administrative control before enactment of Title IX*

The State Department very shortly after the outbreak of the World War required a passport applicant to state the names of the countries he wished to visit and the objects of his visit. The countries and objects were stamped upon the passport together with the statement that the holder had declared under oath that he desired it for use in those countries and for those objects. The passport contained the provision that it was not valid for use in other countries except for necessary transit to or from the countries named.\* The valid life of the passport was reduced to six months.\*\*

The administration early adopted the practice of refusing passports to those who wanted to visit the belligerent countries out of mere curiosity or the like.\*\*\* Passport rules promulgated by the President December 17, 1915\*\*\*\* were designed to reduce outgoing travel to the minimum.

\*See as to these matters Presidential passport rules of Nov. 13, 1914 and succeeding passport rules, in *Compilation*, pp. 198 et seq.; circular instruction, Secretary of State to American diplomatic and consular officers, Dec. 21, 1914, and Feb. 8, 1915. *For. Rels.*, 1914 Supp., p. 728, 1915 Supp., p. 900, *Compilation*, pp. 43, 48; Notice to American citizens who contemplate visiting belligerent countries, Dept. of State, April 17, 1915, *European War*, no. 2, pt. XIX, p. 162; letter from Counselor of the Department of State, Frank L. Polk, to Rep. John J. Fitzgerald, Aug. 18, 1916, *For. Rels.*, 1916 Supp., at p. 8.

\*\*Presidential passport rules of Jan. 12, 1915, rule 11, exec. order 2119A, *For. Rels.*, 1915 Supp., p. 903, *Compilation*, p. 201; circular instruction of Feb. 8, 1915, *For. Rels.*, 1915 Supp., p. 900, *Compilation*, p. 48.

\*\*\*See Notice to American citizens who contemplate visiting belligerent countries, Dept. of State, Apr. 17, 1915, *supra*.

\*\*\*\*Exec. order 2286A, *For. Rels.*, 1915 Supp., p. 912, *Compilation*, p. 202.



An applicant who asserted that he was going abroad for commercial business was required to give proof of this.\* Any other applicant was required to satisfy the State Department that it was imperative for him to go, and submit documentary substantiation.\*\*

The President at the same time—mid-December 1915—established a system of supervision over departing travelers:\*\*\*

A passport bore a stamped notation of the date at which, the port from which, and the ship on which, the holder intended to leave the United States. Treasury inspectors—the “neutrality squad” (N. Y. Times, Jan. 23, 1916, mag. sec. p. 12, col. 2)—stationed at outgoing ships examined the passports of all passengers going abroad. These inspectors had each passenger’s photograph, signature and duplicate passport application. If with these identifying

\*The requirement of the submission of proof substantiating a claim of commercial business abroad was made more stringent in the Presidential passport rules of Jan. 24, 1917 (exec. order 2519A, For. Rels., 1917 Supp. I, p. 573, Compilation, p. 209).

\*\*See also rules governing the granting and issuing of passports to those who have declared their intention to become citizens of the United States, June 1, 1915, For. Rels., 1915 Supp., p. 906, European War, no. 2, pt. XIX, p. 164.

\*\*\*December 15, 1915 the President promulgated executive order 2285 (For. Rels., 1915 Supp., p. 911; N. Y. Times, Dec. 16, 1915, p. 7, col. 5):

“All persons leaving the United States for foreign countries should be provided with passports of the Governments of which they are citizens. . . . The Secretary of State, in cooperation with the Secretary of the Treasury, will make arrangements for the inspection of passports of all persons, American or foreign, leaving this country, and the fact that these passports have been seen will be stamped thereon.

All applications to the Secretary of State for passports from American citizens must be made in duplicate, and must be accompanied with three copies of the photograph of the applicant. Each applicant for a passport must inform the Department of State at what point he intends to depart, on what date, and by what ship if he sails from an American port.”



data the inspectors were satisfied with the passport, they so stamped it before the vessel's departure.\*

### ENACTMENT OF TITLE IX

June 3, 1916 the Attorney-General addressed communications to the foreign relations committees and judiciary committees of the House and Senate presenting drafts of a number of neutrality bills and the arguments for them,—including one dealing with passports.\*\* In August 1916 the legislation was introduced in the Senate by the Chairman of Judiciary, in the House by the Chairman of Foreign Affairs. But the bills did not pass the first session of the 64th Congress.\*\*\* In his annual report published December 1916 the Attorney-General renewed his recommendations with respect to neutrality legislation, including passport legislation. In the second session of the 64th Congress the Senate passed such a bill; the House took no action.\*\*\*\*

\*For other material on the control system, see letter of Secretary of State to foreign diplomatic representatives stationed in the U. S., Dec. 23, 1915, For. Rels., 1915 Supp., p. 913; N. Y. Times, Dec. 31, 1915, p. 3, col. 3; Presidential passport rules of Dec. 17, 1915, exec. order 2286A, For. Rels., 1915 Supp., p. 912, Compilation, p. 202; exec. order 2341, Mar. 13, 1916; see also U. S. Comm. on Public Information, Official Bulletin, Vol. 1, no. 32, June 16, 1917, p. 1; 65:2 Cong. rec., p. 6066.

A like control system was established September 4, 1939, after the outbreak of the present war (Appendix, pp. 110-113).

\*\*See Recommendations by the Attorney-General for legislation amending the criminal and other laws of the United States with reference to neutrality and foreign relations, 1916 (reprinted in his Annual Report, 1916).

\*\*\*See 64:1 Cong. rec., pp. 12129, 12411, 12404; S. 6797 and H. R. 17369 were the passport bills introduced.

\*\*\*\*64:2 Cong. rec., pp. 2614, 2819, 3075, 3498, 3665, 3782; H. rep. 1591, Feb. 28, 1917, serial no. 7110; House Judiciary Comm., Hearings on S. 8148 to punish espionage and interference with neutrality, Feb. 22, 1917.

In the first session of the 65th Congress a consolidated bill (including passport provisions) was reintroduced, and in differing forms was passed by the House and Senate early in May. The bill went into conference and emerged at the end of May without material change in the passport sections. It was enacted June 15, 1917.\*

---

\*H. rep. 30 on H. R. 291, April 25, 1917, serial no. 7252; H. rep. 65, conference report on H. R. 291, May 29, 1917, serial no. 7252; 65:1 Cong. rec., index, history of bills S. 2 and H. R. 291.

***BLANK PAGE***